

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA

Plaintiff

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§

§

v.

1:22-cr-00202-LY

LLOYD BAXTER

Defendant

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Order On Petition for Action on Conditions of Pretrial Release

This matter came before the Court on April 4, 2023, for a hearing on the Pretrial Services Office’s Petition for Action on Conditions of Release, signed by the Court on March 20, 2023 (the “Petition”) (Dkt. 22). The revocation proceeding was held in accordance with the Federal Rules of Criminal Procedure and 18 U.S.C. § 3148.

On September 20, 2022, a grand jury in the United States District Court for the Western District of Texas, Austin Division, indicted Defendant Lloyd Baxter on one count of possession of an unregistered destructive device, in violation of 26 U.S.C. § 5861(d). Dkt. 1. Defendant appeared pursuant to a summons and was ordered released on conditions on October 25, 2022. Dkt. 15. Docket call is set for April 24, 2023, and trial is set for May 15, 2023. Dkt. 21.

The Petition alleges that the Pearland, Texas Police Department issued a warrant for Defendant’s arrest for Larceny on March 2, 2023. According to the police report, on January 30, 2023, Defendant and an unknown male took approximately \$900 of floor mats from an HEB grocery store in Pearland, Texas. Dkt. 22. The Petition alleges that Defendant’s actions violate Condition (1) of his release: “The defendant must not violate federal, state, or local law while on release.”

The Court has considered the Pretrial Services Report, the Petition, Defendant's testimony, and the evidence and arguments of counsel for Defendant and for the government at the revocation hearing. Based on the uncontested record evidence, pursuant to 18 U.S.C. § 3148(b)(1), the Court finds that there is probable cause to believe that Defendant committed a Federal, State, or local crime while on release.

Nonetheless, the Court finds that, based on the factors set forth in 18 U.S.C. § 3142(g), there are conditions of release that will assure that Defendant is not likely to flee or pose a danger to the safety of any other person or the community if he remains on release, and that he is likely to abide by such conditions. *See* 18 U.S.C. §§ 3142 and 3148. Defendant expressed contrition for the actions reported in the Petition and was admonished that any further violation will result in the issuance of a warrant for his arrest. Accordingly, Defendant is **HEREBY ORDERED** to abide by all conditions in the Order Setting Conditions of Release (Dkt. 15) and follow all instructions from Pretrial Services.

It is **FURTHER ORDERED** that the Petition for Action on Conditions of Pretrial Release (Dkt. 22) is **DENIED**.

SIGNED April 4, 2023.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE